

NOTICE OF PROPOSED RULE DEVELOPMENT

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 991930-TC

RULE TITLE:	RULE NO.:
Pay Telephone Service	25-24.515
Pay Telephone Rate Caps	25-24.516
Service Requirements for Companies	
Providing Operator Services	25-24.620
Rate and Billing Requirements	25-24.630

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 PUBLIC SERVICE COMMISSION
 TALLAHASSEE, FLORIDA
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PURPOSE AND EFFECT: The purpose of the proposed amendments is to clarify that pay telephone service providers (PSPs) must route all 0+ local and 0- calls to the provider of local exchange services unless the end user dials an appropriate access code for his carrier of choice; to exempt PSPs from the requirement of routing all 0+ local calls to the local exchange service provider for pay telephone stations located within confinement facilities; to specify that the local coin rate for local calls made from pay telephone stations is a flat rate, which is the local coin flat rate plus applicable operator service charges; to eliminate the set-use fee for 0- calls placed from pay telephones; to require pay telephone stations to comply with the National Electric Code and the National Safety Code; to clarify that all 0+ and 0- rate caps are inclusive of all charges and fees, including any Federal Communications Commission ordered fees; to define and require operator service rate caps for 0+ and 0- local calls made from a pay telephone and made in a call aggregator context to be consistent with pay telephone rate caps; to specify that the charge

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for routing 0+ or 0- local calls is a market-based flat rate, plus applicable operator surcharges; to specify that operator service providers are permitted to route 0+ and 0- local calls from inmate pay telephone stations; and to specify that the rate caps in Rule 25-24.630(1) do not apply if an end user requests transfer to an operator service provider of choice. The effect of the amendments is to provide clear direction concerning the routing of 0+ local and 0- calls; to provide flexibility concerning calls placed from confinement facilities; and to clarify the rate caps for 0+ and 0- local calls.

SUBJECT AREA TO BE ADDRESSED: Pay telephone and operator service provider service requirements and rate caps.

SPECIFIC AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.01, 364.03, 364.035, 364.063, 364.337, 364.3375, 364.3376, 364.345, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., Thursday, February 3, 2000

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to

the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Communications, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.515 Pay Telephone Service.

(1) through (8) No change.

(9) ~~Except as provided in paragraph (9)(c),~~ Each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:

(a) The telephone number and location address of the pay telephone station, name and certificate number of the certificate holder, the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and the local coin rate.

(b) For those pay telephone stations that will terminate conversation after a minimum elapsed time, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.

~~(c) Pay telephone providers have until June 30, 1998, or six months after the effective date of this rule, whichever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.~~

(10) Each pay telephone station which provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, and toll free (e.g., 800, 877, and 888) access.

(11) No change.

(12) All end user dialed 0+ local and all 0- calls shall be routed to a provider of local exchange telecommunications services ~~company that is authorized by the Commission to handle 0 calls.~~ All other calls, ~~including operator service calls, may be routed to the pay telephone provider's carrier of choice,~~ unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888). Except the pay telephone provider may select any certificated carrier as the carrier of choice for 0+ local calls placed from pay telephone stations used predominantly by inmates within a confinement facility.

(13)(a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.

(b) A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order

granting the exemption. Requests for exemption from the requirement that each pay telephone station allow incoming calls shall be accompanied by a completed Form PSC/CMU-2 (02/99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Telecommunications. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. Exemptions which were granted prior to the two-year limitation will expire two years from the effective date of the amendment, February 1, 1999, establishing the two-year limitation. The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/CMU-2 (02/99). Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

(14) through (15) No change.

(16)(a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other

station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term "directory" shall mean both a current white page directory for the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station. ~~Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, whichever is longer.~~

(b) Pay telephone stations that provide local directory assistance at no charge are exempt from the provisions in (16)(a). A notice must appear on the placard if local directory assistance at no charge is being provided.

(17) No change.

(18)(a) Except as provided in paragraphs (18)(a) ~~(b)~~, — (c), and (e) below, each pay telephone station shall conform to sections 4.28.8.4 and 4.29 of the American National Standards Accessible and Usable Buildings and Facilities, approved December 15, 1992, by the American National Standards Institute, Inc. (ANSI A117.1-1992), which is incorporated by reference into this rule.

(b) Where there are two or more pay telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the ANSI standards listed in subsection (18)(a). The conforming station must be physically located in the group of pay telephone stations or must be installed within a clear line of sight within 15 feet of the group and the route to the conforming station must be free from wheelchair barriers.

(c) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, pay telephone stations shall be placed in areas accessible to the physically handicapped.

(d) Pay telephone stations located in buildings which are not wheelchair accessible must comply with all ANSI provisions cited in this subsection except that these stations are exempt from complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is modified to make it wheelchair accessible.

(e) Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ANSI section 4.29.2 is reduced by a vehicle parked in a designated parking space.

~~(f) Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.~~

(19) Each pay telephone station shall conform to the National Electric Code, 1999 edition, approved by the National Fire Protection Association, Inc., and to the National Safety Code, 1997 edition, approved by the American National Standards Institute, which are incorporated by reference into this rule.

(19) through (21) renumbered (20) through (22)

(23)~~(22)~~ Pay telephone stations used by inmates located in confinement facilities shall be exempt from the requirements of subsections (2), (4), (6), (7), (8), (10), ~~(12)~~, (13), (15), (16), and (20)~~(19)~~ of this rule. Such pay telephone stations shall also be exempt from the requirements of subsection (9), except that

outgoing local and long distance calls may not be terminated until after a minimum elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS.

History--New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, _____.

25-24.516 Pay Telephone Rate Caps.

(1) Rates charged any end user by a pay telephone provider, providing operator service within the pay telephone premises' equipment, shall not exceed the following:

(a) Local coin calls -- the flat rate posted at the pay telephone station.

(b) Extended area service (EAS) coin calls -- a rate equivalent to the local coin call rate.

(c) Extended calling scope (ECS) coin calls -- a the rate equivalent to the local coin call rate.

(d) 0+ toll non-person-to-person -- a maximum rate of \$0.30 per minute, plus a \$1.75 per call charge.

(e) 0+ toll person-to-person -- a maximum rate of \$.30 per minute, plus a \$3.25 per call charge.

(f) 0+ local non-person-to-person ~~local~~ -- a rate equivalent to the local coin call rate, plus a \$1.75 per call charge.

(g) 0+ local person-to-person ~~local~~ -- a rate equivalent to the local coin call rate, plus a \$3.25 per call charge.

(2) A pay telephone provider shall not obtain services from a local exchange carrier, an interexchange carrier, or an operator service provider unless such carrier or provider has obtained a certificate of public convenience and necessity from the Commission.

~~(3) A set use fee of \$.25 shall apply to all completed 0-local calls placed from pay telephones.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS.

History--New 9-5-95, Amended 2-1-99, .

25-24.620 Service Requirements for Companies Providing Operator Services.

(1) No change.

(2) In its tariffs for and contracts with billing and collection agents and other companies providing operator services, every company providing operator services shall require the other party to:

(a) Allow end users to access, at no charge, all locally available interexchange companies via all locally available methods of access, such as 10XXX, 10XXXX, 101XXXX, 950, and toll free access codes, such as 800, 877, and 888; except that Feature Group A (seven-digit local number) access lines are exempt from this requirement;

(b) Allow end users to access the universal telephone number "911", where operable, at no charge to the end user, and where not operable, to allow end users to access the operator of the provider of local exchange telecommunications services at no charge;

(c) Route all end user dialed 0 + local and all 0- calls to the provider of local exchange telecommunications services unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXXX, or 10XXX, or the call is placed from a pay telephone station used by inmates within a confinement facility; and

(d) Route all end user dialed 1 + and 0 + toll calls to the preselected carrier unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXX, or 10XXX; and

(e) Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services at no charge to the end user when no additional digits are dialed after five seconds.

(3) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.3376 FS.

History--New 9-6-93, Amended 1-16-96, 9-10-97, 2-1-99, _____.
25-24.630 Rate and Billing Requirements.

(1) Rates ~~Services~~ charged and billed to any end user by an operator services provider for ~~an intrastate 0+ or 0-~~ calls made from a pay telephone or in a call aggregator context are inclusive of all charges and fees, including any Federal Communications Commission ordered fees, and shall not exceed a rate of \$.30 per minute plus the applicable charges for the following types of telephone calls:

(a) 0+ and 0- toll non-person-to-person - a maximum rate of

\$0.30 per minute, plus a \$1.75 per call charge ~~A person to person call — a charge of \$3.25;~~

(b) 0+ and 0- toll person to person - a maximum rate of \$0.30 per minute, plus a \$3.25 per call charge ~~A call that is not a person to person call — a charge of \$1.75;~~

(c) 0+ and 0- local non-person-to-person - a rate equivalent to the posted pay telephone local coin rate or posted call aggregator flat rate, as applicable, plus a \$1.75 per call charge;
and

(d) 0+ and 0- local person-to-person - a rate equivalent to the posted pay telephone local coin rate or posted call aggregator flat rate, as applicable, plus a \$3.25 per call charge.

(2) If the end user dials 0- and requests transfer to an operator services provider of choice, the rate caps in subsection (1) do not apply.

~~(2) For 0 calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the local exchange company to the pay telephone service provider.~~

(3) through (8) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.3376 FS.

History--New 9-6-93, Amended 2-1-99.